

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jong Y. Lee,

Civil No. 07-4194 (DWF/SRN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michael J. Astrue, Commissioner of the
Social Security Administration,

Defendant.

Michael J. Persellin, Esq., Legal Aid Society of Minneapolis, counsel for Plaintiff

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendant.

This matter is before the Court upon Defendant Michael J. Asture, Commissioner of Social Security's ("Defendant") objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated October 7, 2008, recommending that: (1) Plaintiff's Motion for Summary Judgment be granted in part and denied in part; (2) Defendant's Motion for Summary Judgment be denied; and (3) this case be remanded to the Social Security Administration for further proceedings consistent with the Report and Recommendation. Plaintiff Jong Y. Lee filed a Reply to Defendant's Objections to Report and Recommendation dated October 31, 2008 (Doc. No. 20).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Commissioner of Social Security Michael J. Astrue's objections (Doc. No. 19) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated October 7, 2008, are **DENIED**.

2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated October 7, 2008 (Doc. No. 18), is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **GRANTED IN PART** and **DENIED IN PART**.

4. Defendant's Motion for Summary Judgment (Doc. No. 15) is **DENIED**.

5. This case is remanded to the Social Security Administration for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson.

Dated: December 10, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court